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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina*, Austria, Barbados, Belgium*, Brazil, Chile, Colombia, Costa Rica, Denmark*, Ecuador, Finland, France, Germany, Haiti*, Hungary, Ireland*, Italy, Japan, Luxembourg*, Mexico, Netherlands, Norway*, Peru, Portugal*, Senegal*, Spain*, Sweden*, Switzerland*, Uruguay and Venezuela: draft resolution

Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolution 1993/68 of 10 March 1993,

Having in mind the report (E/CN.4/1994/55) of the Special Rapporteur, Mr. Marco Tulio Bruni Celli, appointed by the Chairman of the Commission at its forty-eighth session,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992, 47/143 of 18 December 1992, 48/27 of 6 December 1993 and 48/151 of 20 December 1993,

Deeply concerned about the grave events in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the steadily deteriorating political and economic situation since 29 September 1991,

Deeply alarmed at the persistence and worsening of serious violations of human rights during 1993, in particular summary and arbitrary executions, involuntary disappearances, reports of torture and rape, arbitrary arrests and detentions, denial of freedom of expression, assembly and association, and the grave deterioration of the political, economic and social situation in the country,

Deeply concerned about the increase in acts of violence and intimidation against the democratic Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, and Antoine Izméry, a prominent supporter of President Aristide, which have contributed to the temporary withdrawal of the International Civilian Mission,

Taking note of the report of the International Civilian Mission of United Nations Observers and of the Organization of American States, which was presented in accordance with General Assembly resolution 47/20 B of 20 April 1993,

Recognizing the important role played by the International Civilian Mission established by the United Nations and the Organization of American States, whose presence in Haiti has helped prevent further violations of human rights, and welcomes the return to Haiti of a number of its members,

Taking into account the signature by all parties of the Governors Island Agreement of 3 July 1993 and the New York Pact of 16 July 1993,

Aware of the urgent need to keep a close watch on the situation of human rights in Haiti,

1. Expresses its appreciation to the Special Rapporteur for his report on the situation of human rights in Haiti;

2. Once again strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its conviction that the full implementation of the Governors Island Agreement by all parties is the only valid framework for resolving the crisis in Haiti and guaranteeing the constitutional order, in order to achieve an improvement in the human rights situation in Haiti, and that the refusal by one of the parties to implement this Agreement has led to a deterioration of the human rights situation;

4. Expresses its deep concern about the considerable worsening of the human rights situation in Haiti since the coup d'état in September 1991 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

5. Again condemns the persistent worsening of the human rights situation in Haiti during 1993, characterized by deaths, disappearances and assassinations, preventive repression, persecution, arbitrary arrests, torture, improper demands by security personnel for payment in return for not causing injury, abandonment of legislative programmes, the reappearance of the section chiefs, the banning of demonstrations, and police repression of all acts of protest against the military authorities, as well as the grave deterioration of the political, economic and social situation;

6. Requests the Special Rapporteur to visit Haiti in the near future in order to obtain precise information on the situation of human rights in that country, and stresses the importance of the Special Rapporteur being provided, in accordance with the obligations assumed by the Haitian State under the

international instruments on human rights ratified by it, with all the necessary facilities in order to fulfil its mandate;

7. Expresses its full support for the International Civilian Mission of United Nations Observers and of the Organization of American States responsible for monitoring respect for human rights in Haiti, and welcomes the return to Haiti of a number of its members, which will help to prevent further violations of human rights;

8. Draws the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support for the efforts being made to assist them;

9. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in aid of the nationals fleeing the country and invites Member States to continue to give financial and material support for its efforts;

10. Calls upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons, and encourage the strengthening of the institutional coordination between the specialized agencies and between the United Nations and the Organization of American States;

11. Decides to extend for one more year the mandate of the Special Rapporteur established by Commission resolution 1992/77;

12. Emphasizes the importance of continuing the necessary cooperation between the Special Rapporteur of the Commission and the International Civilian Mission of United Nations Observers and the Organization of American States, in order to contribute to the full implementation of their mandates and in that respect emphasizes the contribution that the Centre for Human Rights can provide;

13. Requests the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-ninth session and a final report to the Commission on Human Rights at its fifty-first session;

14. Requests the Secretary-General to provide to the Special Rapporteur all necessary assistance in order to fulfil his mandate;

15. Decides to continue its consideration of the situation of human rights in Haiti at its fifty-first session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".